

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSHCC-145
DA Number	DA2022/0390
LGA	MidCoast Council
Proposed Development	School, comprising: • Preparation of the site involving the excavation of the land in the southern parts of the site to create stormwater basins and the filling of land in the northern parts of the site where school buildings are proposed; • Administration Centre – A two storey building containing: ○ Entry foyer; ○ Interview room; ○ Offices; ○ Canteen; ○ Toilets; ○ Learning spaces at upper level; • Two (2) x two storey (2) classroom buildings each containing six (6) individual classrooms; • Outdoor recreation area including a Covered Outdoor Learning Area (COLA); • Vehicle manoeuvring areas and parking for fifteen (15) off-street parking spaces; • Kiss-and-drop area for student drop-off/collection; • Provision for on-street bus parking; and • Provision of necessary services and infrastructure.
Address	Lot 1 DP 1264355 The Southern Parkway, Forster NSW 2428
Applicant	Site R & D
Owner	Taree Christian College
Date of DA lodgement	26 April 2022
Total number of Submissions Number of Unique Objections	Fifteen
Recommendation	Deferral
Regionally Significant Development Criteria (Schedule 6 of SEPP (Planning Systems) 2021)	Pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the proposal is an educational establishment with a capital investment value of more than \$5 million.
List of all relevant s4.15(1)(a) matters	• <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i>

	• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Great Lakes Local Environmental Plan 2014</i> • <i>Great Lakes Development Control Plan 2014</i> • <i>Great Lakes Section 94 Development Contributions Plan - Great Lakes Wide</i> • <i>Great Lakes Section 94 Development Contributions Plan - Forster District</i>
List all documents submitted with this report for the Panel's consideration	Attachment A – Development Plans Attachment B – Statement of Environmental Effects Attachment C – Traffic Impact Assessment March 2022 Attachment D – Traffic Impact Assessment December 2022 Attachment E – Traffic Assessment Peer Review September 2023 Attachment F – Noise Assessment March 2022 Attachment G – Amended Noise Assessment September 2022 Attachment H – Civil Plans Attachment I – Cost Plan
Clause 4.6 requests	Nil
Summary of key submissions	Traffic / Parking Noise Amenity
Report prepared by	Bruce Moore, Coordinator Major Assessment MidCoast Council
Report date	12 December 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

No

EXECUTIVE SUMMARY

Consent is sought for the establishment of an Educational Facility (School) at Lot 1 DP 1264355 The Southern Parkway, Forster. The school will provide classes from Kindergarten to Year 8 and will accommodate a total of 300 students.

Specifically, the proposed development includes:

- Preparation of the site involving the excavation of the land in the southern parts of the site to create stormwater basins and the filling of land in the northern parts of the site where school buildings are proposed;
- Administration Centre – A two-storey building containing:
 - Entry foyer;
 - Interview room;
 - Offices;
 - Canteen;
 - Toilets;
 - Learning spaces at the upper level;
- Two (2) x two storey (2) classroom buildings each containing six (6) individual classrooms;
- Outdoor recreation area including a Covered Outdoor Learning Area (COLA);
- Vehicle manoeuvring areas and parking for fifteen (15) off-street parking spaces;
- Kiss-and-drop area for student drop-off/collection;
- Provision for on-street bus parking; and
- Provision of necessary services and infrastructure.

The development is proposed to be delivered in three stages, being:

- Stage 1 - Site preparation involving bulk earthworks to create the building pads, driveway/parking areas and drainage basins.
- Stage 2 - construction of school buildings Block A and B providing six (6) classrooms, administration and library area, as well as the COLA and play areas.
- Stage 3 Construction of School Building Block C containing six (6) classrooms as well as an outdoor BBQ and Store building adjacent to the play areas.

The application is referred to the Hunter and Central Coast Regional Planning Panel as the application is for an educational establishment with a capital investment value that exceeds \$5 million.

Two briefings and an inspection of the site have been carried out with the Hunter and Central Coast Regional Planning Panel.

The application, as originally made, was exhibited from 8 June 2022 to 18 July 2022. Upon receipt of amended plans, the application was further exhibited between 8 March 2023 to 17 April 2023. As a result of the public exhibition a total of 16 (15 Unique) submissions were received.

The development is identified as integrated development requiring approval from the NSW Rural Fire Service pursuant to S100B of the Rural Fires Act 1997.

The NSW RFS have granted approval to the development.

The application was also referred to Essential Energy and Transport for NSW for comment.

The development has been assessed against applicable State, Regional, and Local Environmental Planning Instruments and Policies, including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Great Lakes Local Environmental Plan 2014*
- *Great Lakes Development Control Plan 2014*

The application does not provide sufficient detail to conclude that the development will not have a significant adverse impact with regard to traffic, parking, noise and, to a lesser extent, stormwater.

While the issues identified are potentially resolvable, further detail would be required before any favourable determination could be made.

It is recommended that the Panel defer determination of Development Application 2022/0390 for an Educational Facility (School) at Lot 1 DP 1264355 The Southern Parkway, Forster to allow for the applicant to provide additional information to address concerns in relation to traffic, parking, noise and stormwater.

1. THE SITE AND LOCALITY

The subject site is located in south Forster and is legally described as Lot 1 DP 1264355 The Southern Parkway, Forster.

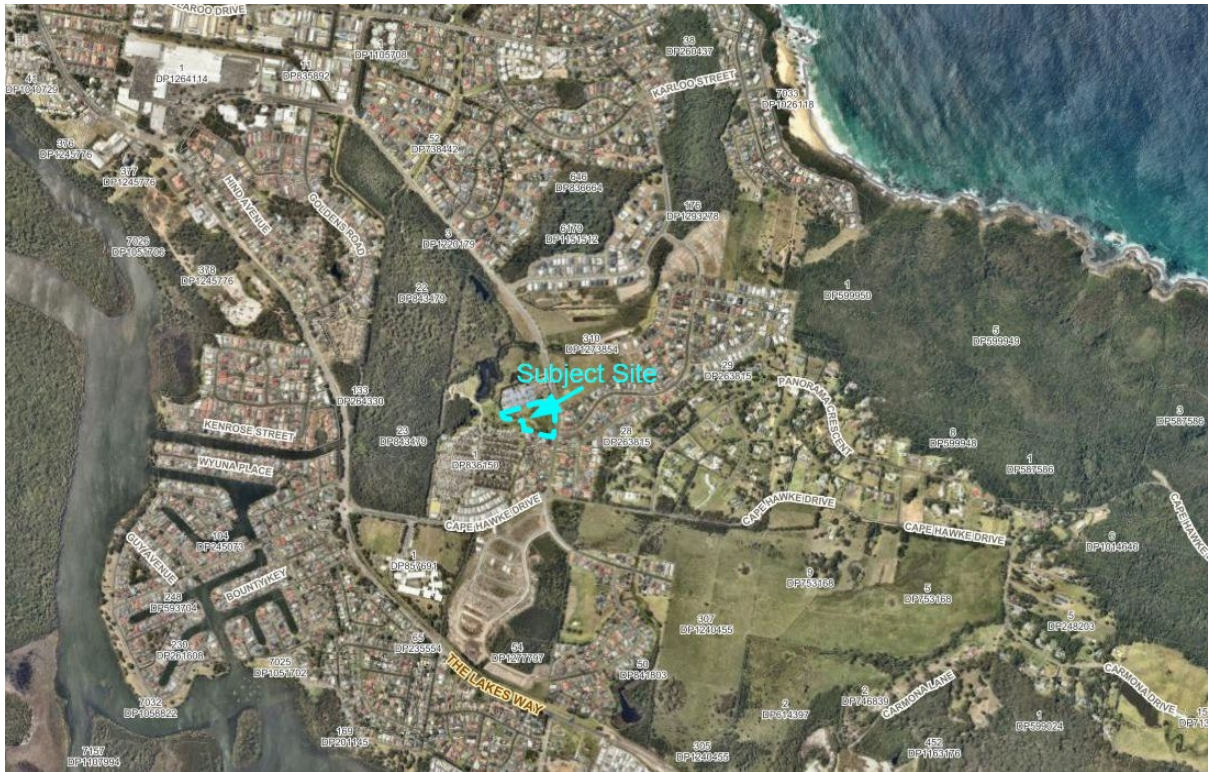


Figure 1 – Locality Map (Source Intrampas)

The site is irregular in shape and covers an area of approximately 1.4ha. The eastern boundary of the site has frontage to The Southern Parkway of approximately 109m.

Access to the site is via The Southern Parkway. An open drain has been established along the southern part of the site.

The levels of the land vary from approximately 2.5m AHD in the north and northeast to approximately 1.25m AHD in the southern parts of the site (adjacent to the open drain).

The land is comprised largely of maintained grassland with a narrow band of trees along the western boundary and drainage channel.

The site is identified as both flood prone and bush fire prone land.

The site contains no heritage items, is not in a heritage conservation area, and is not in close proximity to an aboriginal heritage item, as confirmed through an Aboriginal Heritage Information Management System (AHIMS) search.

A 3m wide easement to drain sewage runs parallel to the northern boundary, and the southern part of the site contains an easement of variable width aligning with the drainage channel.



Figure 2 - Site Aerial Development Area (Source: Intra Maps)

Adjoining land uses consist of low density residential forms of dwellings and dual occupancy development to the east and south.

Land to the north of the site supports a senior's residential care facility known as Barclay Gardens. A seniors housing development known as Golden Ponds exists to the west of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The proposal

The application seeks consent for the development of an educational establishment (school) on the land.

The school provides classes from Kindergarten to Year 8 and will accommodate a total of 300 students.

Specifically, the proposed development includes:

- Preparation of the site involving the excavation of the land in the southern parts of the site to create stormwater basins and the filling of land in the northern parts of the site where school buildings are proposed;
- Administration Centre – A two storey building containing:
 - Entry foyer;
 - Interview room;
 - Offices;
 - Canteen;

2.2 Background

The application was lodged with Council on 26 April 2022.

On 20 September 2022 a request for information was forwarded to the applicant. The issues raised included:

- Access & Circulation
- Parking
- Traffic flows
- Noise
- Site contamination
- Stormwater

On 2 November 2022 a kick-off briefing was held with the Hunter & Central Coast Regional Planning Panel (RPP). The following key issues were identified for consideration:

- Traffic, access and road safety
- Onsite car and bicycle parking (including pick up/drop off)
- Stormwater management

On 7 March 2023, additional information was submitted in support of the application, including an amended site (resulting in relocation of the site access) and revised Traffic Impact Assessment.

On 22 March 2023 the RPP carried out a site inspection of the land. The key issues discussed were:

- Overview of the amended plans with a single entry and exit arrangement with a revised location of the proposed intersection.
- Council staff raised concerns with the underlying assumptions in the traffic report.
- The Panel expects certainty regarding stormwater treatments on the site – this is not something that can be conditioned.
- Built form relationships should be manageable on a vacant site like this.
- The Panel expects that a new school should be able to work on the site and accommodate all necessary functions such as drop off, pick up and staff car parking arrangements on site.
- Car parking assumptions need to be based on actual numbers of staff and not EFTs.

Following receipt of the additional information, extensive discussions were held between the applicant and Council's (former) Coordinator Development Engineering to clarify issues in relation to parking, resulting in the applicant submitting a peer review of the traffic impact assessments.

On 12 September 2023 a further briefing was held with the Hunter & Central Coast Regional Planning Panel (RPP). The following comments from the panel were noted:

- The Panel reiterates its earlier comments that in the absence of additional land the proposal needs to be reduced in scale to provide for the functions that it needs on its own site, particularly given its location within an urban release area.
- The school should consider future intentions in relation to overall student numbers and scale of development and plan accordingly.

- Further delays to the finalisation of the application will not be supported.
- The Panel expects the Council to finalise its assessment and report the DA based on the plans currently before it.

3. STATUTORY CONSIDERATIONS

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Great Lakes Local Environmental Plan 2014*

State Environmental Planning Policy (Planning Systems) 2021

The application is regionally significant development under Part 2.4 Regionally significant development and Schedule 6 – clause 3 of the SEPP as the application is for an educational establishment with a capital investment value that exceeds \$5 million.

Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Division 3 Coastal environment area

The site is mapped as being within the 'coastal environment area' and partly within the 'coastal use area'. As such division 3 State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the proposed development.

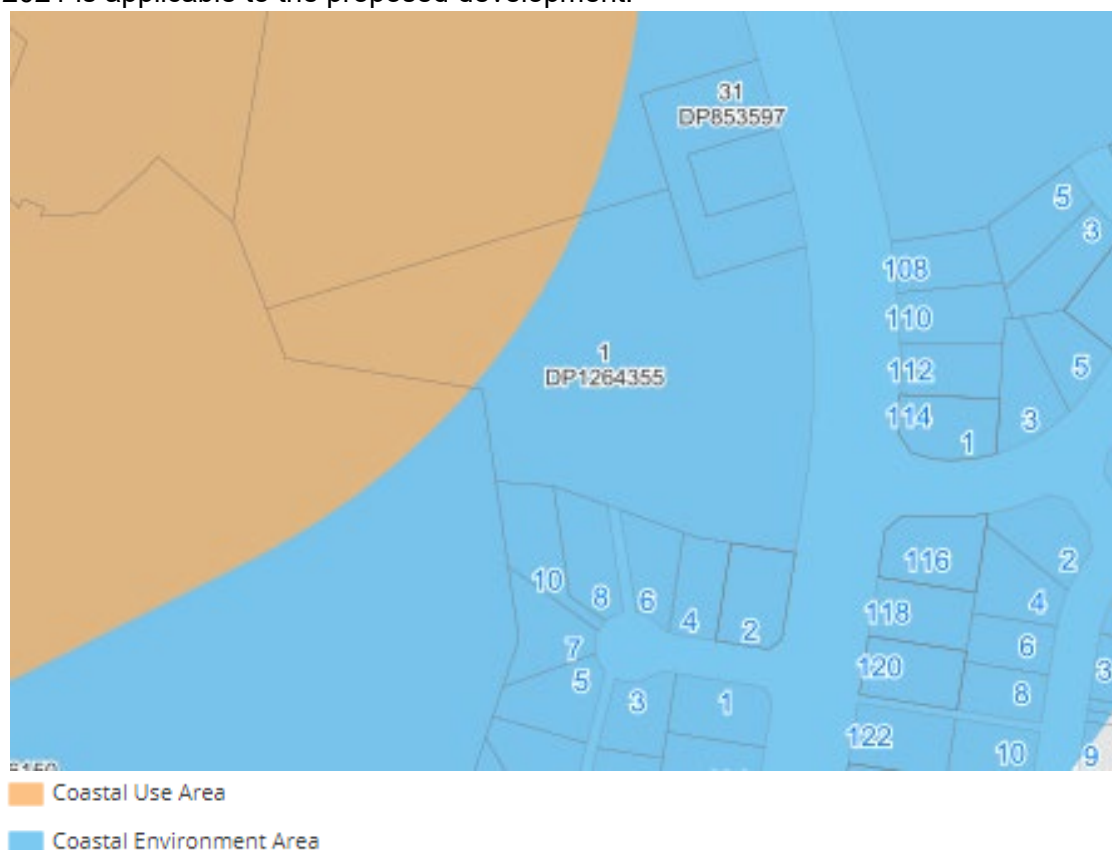


Figure 5 – Coastal Use and Environment Area (Source: Intramaps)

Table 1 below lists the matters for consideration prescribed by Section 2.10(1) and 2.11(1) of the SEPP and details how they relate to the proposed development.

SEPP (Resilience and Hazards) 2021	
Table 1: Section 2.10 & 2.11 Considerations	
Section 2.10 (1)	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The development will have no adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment
(b) coastal environmental values and natural coastal processes,	The development will have no impact on coastal environmental values and natural coastal processes
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The development will have no impact on a marine estate or sensitive coastal lake.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposed development will have no adverse impact on marine vegetation, native vegetation or fauna.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No impacts on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability will result from the development.
(f) Aboriginal cultural heritage, practices and places,	The proposal will have no adverse impact on aboriginal cultural heritage, practices or places. An AHIMS search was conducted and revealed no sites within proximity to the development.
(g) the use of the surf zone.	The development will have no adverse impact on the surf zone.
Section 2.11(1)	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No adverse impacts on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability is likely to result from the development.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	No overshadowing, wind funnelling or loss of views from public places to foreshores is likely to result from the development.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposed development is not likely to have any significant adverse impact on visual amenity and scenic qualities of the coast.

<i>(iv) Aboriginal cultural heritage, practices and places,</i>	There are no known items of aboriginal heritage that would be impacted by the development.
<i>(v) cultural and built environment heritage, and</i>	No identified items or features of cultural and environmental heritage are located within proximity to the site.

Clause 2.12 of the SEPP provides that 'development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land'.

Clause 2.13 of the SEPP provides that Council must give consideration to any coastal management provisions applying to land.

The proposed development is in keeping with the relevant coastal management provisions applying to the land and is not likely to cause increased risk of coastal hazards.

Chapter 4 Remediation of land

Under section 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

There is no known evidence of site contamination or previous land uses that may have resulted in contamination of the site.

A Stage 1 (preliminary) Site Contamination assessment (SCA) was undertaken to assess past and present potentially contaminating activities and contamination types with regard to the site's suitability for a future primary school development.

The site history study indicated that the majority of the site is likely to have been used for farming/grazing purposes between 1980 and 1987. The ground surface was disturbed sometime prior to 1997, potentially as the early stages of development associated with an adjoining retirement village.

The results of laboratory analysis of surface soil samples revealed concentrations of the chemicals of concern were either below the laboratory detection limit, or below the adopted health investigation criteria for a Residential A site. Asbestos was not detected in each of the soil samples submitted for analysis.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.48 Determination of development applications—other development

The application was referred to Essential Energy under clause 2.48 of the SEPP. In response Essential Energy have provided the following comments in relation to the proposed development:

1. Essential Energy's records indicate that low voltage underground cables are located partly across the street frontage of the property and also in the location of the proposed new driveway/s:

- a. Prior to carrying out any works in these areas, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) to locate these cables.
 - b. Any excavation works in this area or works on the proposed driveway/s must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
 - c. Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cable integrity protected.
 - d. Any proposed driveway/s or access used by vehicles into the property must have a minimum clearance of 500 millimetres from its closest point to the service pit(s) located at the front of the property. Also, the driveway/s must not impact on existing cables, cable joints, pits, pillars and the like – refer Essential Energy’s policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway/s are proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like - refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
 - e. Any proposed driveway/s access and/or exit (concrete crossovers) must remain at least 3.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - f. Any garden beds etc, any cut and fill on the property must not affect the service pit(s). If it does and the service pit(s) must be raised or lowered to comply with Essential Energy’s requirements, these works will be at the Applicant’s/Landowner’s expense.
 - g. The proposed pylon signs (2) must maintain a minimum clearance of 1.0 metre to the cable/s.
 - h. Any proposed landscaping, tree planting in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
2. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy’s Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.

The requirements of Essential Energy are able to be accommodated within the development.

Clause 3.36(3) of the SEPP provides that development for the purposes of a school may be carried out by any person with consent in a prescribed zone with the RU2-Rural Landscape zone being a prescribed zone. Accordingly, the provisions of the SEPP allow the development of a school on the land with consent.

Clause 3.36(6) provides that before determining a development application for a school, the consent authority must take into consideration –

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and

- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

Table 2 below provides an assessment of the design quality principles. With regard to shared facilities the applicant has stated that the *'school only provides limited school recreation areas that are integrated with the school. These areas will not be available to the public as security measures require the school to be access – controlled'*.

SEPP (Transport and Infrastructure) 2021	
Table 2: Schedule 8 – Schools Design Quality Principles	
Principle	Comment
Principle 1—context, built form and landscape <i>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</i> <i>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</i> <i>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</i>	The school buildings are located in the highest areas of the site to maintain existing drainage and address any potential flooding issues. This has resulted in the buildings being located in the vicinity of the adjoining residential care facility while maximising separation from neighbouring low-density residential uses. The site and immediate surroundings do not have any specific heritage or cultural values. The retention of the existing drainage features and large open space areas assist in mitigating negative impacts on neighbouring sites. The site is not within an identified scenic protection area.
Principle 2—sustainable, efficient and durable <i>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources reduce waste and encourage recycling.</i> <i>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</i>	The proposed school utilises efficient design features to minimise the consumption of water and energy. All classrooms and learning spaces allow for cross-flow natural ventilation and provide the opportunity for natural cooling. The proposal includes the collection and reuse of rainwater for toilet flushing and outdoor irrigation purposes.
Principle 3—accessible and inclusive <i>School buildings and their grounds should provide good wayfinding and be welcoming,</i>	The proposed design provides a welcoming entrance and utilises open access ways for wayfinding. The

<i>accessible and inclusive to people with differing needs and capabilities.</i> <i>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</i>	proposal provides equitable access throughout the complex of school buildings. Due to the small size of the school and the need for security, the school facilities are not likely to be shared with the community. Given the site's location in a quiet residential area, sharing of facilities with the community is not preferred to minimise impacts on adjoining dwellings
Principle 4—health and safety <i>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</i>	The site will be fenced with open fencing to provide access control and provide suitable security for the complex while maintaining a connection to the public realm. The site is not subject to any significant hazards, with only low risks for bushfire and flooding that can be effectively managed.
Principle 5—amenity <i>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</i> <i>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</i> <i>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</i>	The building provides a connection between indoor and outdoor spaces. The classrooms are largely orientated towards the COLA and outdoor areas. The school is suitably separated from neighbouring low density residential uses and is appropriately orientated in relation to the adjoining residential care facility to minimise any adverse impact. The school is not located near a rail corridor or busy road that would warrant specific noise mitigation measures. Appropriate outdoor play areas and level of amenity is available to the development.
Principle 6—whole of life, flexible and adaptive <i>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</i>	The school incorporates the following features to deliver high environmental performance, ease of adaptation and maximise multi-use of facilities: • layout maximising cross ventilation and natural lighting • double storey footprint to maximise open space • flexible learning spaces suitable for a range of age groups
Principle 7—aesthetics <i>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</i> <i>The built form should respond to the existing or desired future context, particularly, positive</i>	The built form is considered to be aesthetically pleasing and complimentary to the surrounding neighbourhood. The overall layout, built form and choice of finishes are responsive to the site's attributes and sympathetic to the residential context and adjoining residential care facility.

<i>elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</i>	
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Pursuant to Clause 3.58 of the SEPP the development is identified as Traffic Generating Development and was required to be referred to Transport for NSW (TfNSW) for comment.

TfNSW have reviewed the application and provided the following comments to assist the consent authority in making a determination:

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- TfNSW highlights that in determining the application under Part 4 of the Environmental Planning & Assessment Act, 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development.
- All matters relating to internal arrangements on-site, such as traffic/pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for the Council to consider.
- TfNSW recommends that a Travel Plan (TP) or Green Travel Plan (GTP) to be prepared for the proposed school in consultation with TfNSW prior to the issue of the Occupation Certificate. This will further encourage active transport and school bus travel to the site rather than private vehicles. This is consistent with Future Transport 2056, in which Travel Demand Management (TDM) is one of TfNSW's top priorities to provide incentives to harness more sustainable modes. The GTP should:
 - Identify and determine a course for the delivery of mode share targets and strategies that encourage the use of sustainable transport options that reduce the dependence on and proportion of single occupant car journeys to the site, based on credible data.
 - Be prepared by a suitably qualified transport or traffic consultant.
 - Include specific tools and actions to help achieve the objectives and mode share targets.
 - Include measures to promote and support the implementation of the plan.
 - Identification of a responsible party (or Committee) for the ongoing implementation of the GTP.
 - Confirmation of the extent and nature of end-of-trip facilities and bike parking and how they will be promoted to staff and students.
 - Consideration of car parking management strategies that may be required to encourage sustainable transport use/mode share targets.
 - Include a draft Transport Access Guide (TAG) that would be refined under future DAs to provide information to staff and students about the range of travel modes, access arrangements and supporting facilities that service the site.
 - Identification of a communications strategy for conveying GTP information to staff and students, including for the TAG.
- TfNSW appreciates that a bike storage area is proposed for the school and recommends that consideration be given to the bike storage capacity and the provision of End of Trip

Facilities (EoT) to further encourage walking and cycling mode shares. TfNSW recommends that any proposed bicycle parking and EoT should be monitored over time to ensure sufficient supply to encourage active transport both to/from and around the site. The bicycle parking should be located at the site at convenient locations, be safe, secured and under cover. Some further guidance on bicycle parking and end of trip facilities can be found in the cycleway design toolkit.

- TfNSW acknowledges that the installation of school zone is required for the proposed school, it is recommended that:
 - A 40km/h School Zone should be provided on The Southern Parkway for both the northbound traffic and southbound traffic. This should include signposting (including flashing lights) and all pavement markings in accordance with Transport for NSW requirements.
 - A 40km/h School Zone should be provided on Akala Avenue for both the eastbound traffic and westbound traffic. This should include signposting and all pavement markings in accordance with Transport for NSW requirements.
 - A 40km/h School Zone should be provided on Tandara Place and Paruna Circuit. This should include signposting and all pavement markings in accordance with Transport for NSW requirements.
 - The times of operation should generally fall within the 8.00 AM – 9.30 AM and 2.30 PM – 4.00 PM time bands.

The detailed design and the installation of the school zone shall be completed in consultation with TfNSW prior to the issue of the Occupation Certificate.

- TfNSW notes that the proposed development would generate additional traffic and increase on street parking demand, it is advised that Council should have consideration for appropriate line marking and signage to be provided along the frontage of the development to improve road safety and network efficiency.
- TfNSW recommends that the proposed indented bus bay at the site frontage to be moved to the south and centrally located between the proposed driveways to promote safe vehicle movement and improve sight distance of exiting vehicle.
- TfNSW is supportive of the provision of suitable crossing point on The Southern Parkway to allow for safe connection to the school. Any proposed crossing should be referred to the Local Traffic Committee (LTC) for Council's consideration and endorsement prior to installation.

The requirements of TfNSW are considered with regard to traffic impacts and where appropriate are able to be accommodated within the development.

Great Lakes Local Environmental Plan 2014

The relevant local environmental plan applying to the site is the *Great Lakes Local Environmental Plan 2014* (GT LEP 2014).

The site is zoned RU2 – Rural Landscape.

The development land use is defined as an **educational establishment** which means a *building or place used for education (including teaching), being—*

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal

education and is constituted by or under an Act.

An educational establishment is permitted with consent in the RU2 zone as well as being permissible by virtue of SEPP (Transport and Infrastructure) 2021.

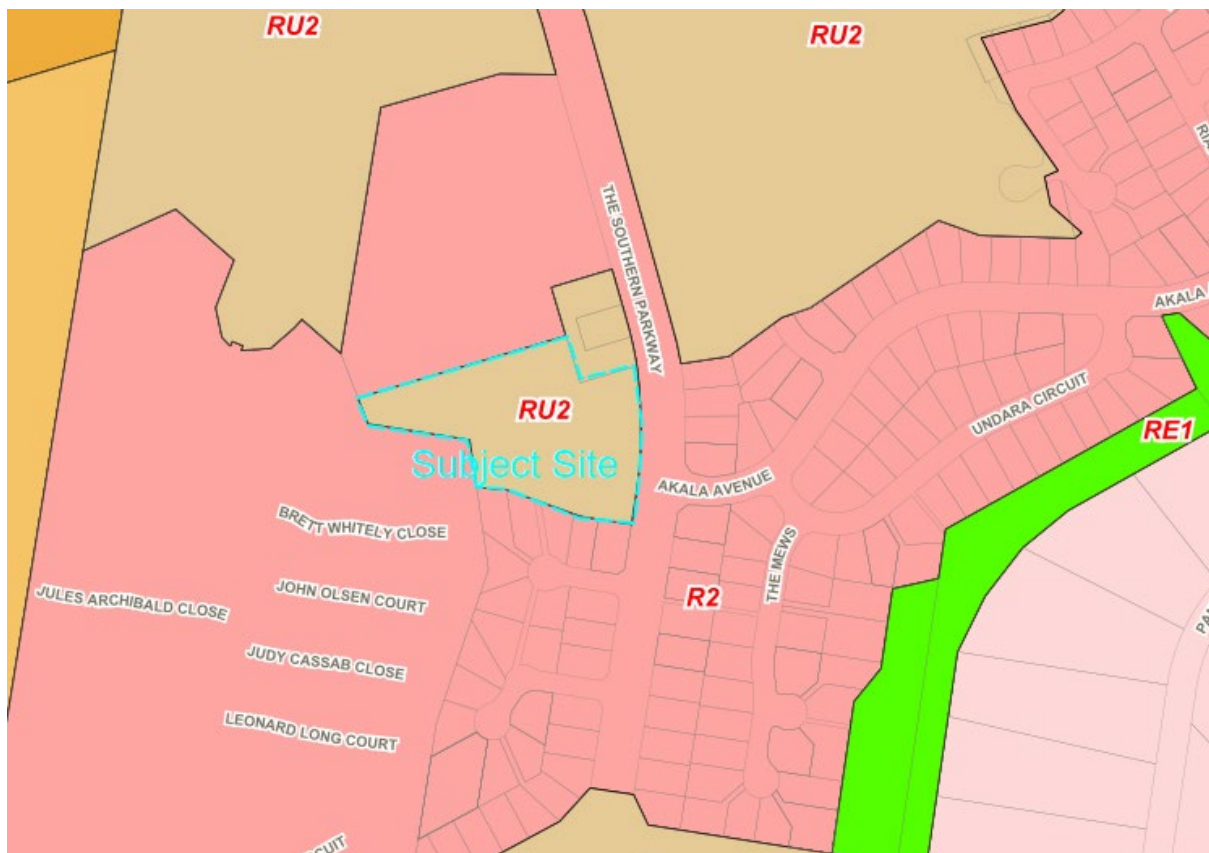


Figure 6 – Zoning Map (Source: Intramaps)

The objectives of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

While the development proposes no form of primary production or agricultural use of the land, it is considered that the development does not conflict with the relevant zone objectives for the following reasons:

- The subject site is a small, isolated parcel of RU2 land within a residential context. (N.b. The RU2 zoned land to the north east of the site is identified in the Hunter Regional Plan as an Urban Release Area.)
- The small size of the allotment and surrounding residential land uses restrict use of the land for forms of primary production and agriculture.
- The development is in keeping with the landscape character of the locality which is predominantly urban.

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions. The controls relevant to the proposal are considered in Table 3.

Table 3: Consideration of the LEP controls		
Control	Requirement	Proposal
Height of buildings (cl 4.3)	8.5m	The development proposes a maximum height from existing ground levels of 8.375m.
Floor Space Ratio (cl 4.4)	0.4:1	An FSR of approximately 0.11:1 is proposed.
Heritage conversation (cl 5.10)	Consideration must be given to the effect of the development on heritage significance of Aboriginal objects or places.	The proposed development is not located within a heritage conservation area or within proximity to any items of heritage. A basic AHIMS search was conducted and the search reveals no known items of aboriginal cultural heritage located within proximity to the proposed development.
Flood Planning (cl 5.21)	Consideration must be given to the effect of the flooding on the development.	The site is mapped within the flood planning level under the 2010. Proposed buildings will have floor levels above the flood planning level and direct access to flood free evacuation routes (The Southern Parkway). The development will not have any adverse impact on flood characteristics.
Acid Sulfate Soils (cl 7.1)	Consideration must be given to the presence of Actual and/or Potential Acid Sulfate Soils and the impact the development may have on such soils.	The site is mapped as Class 2 and Class 3 on the Acid Sulfate Soils Planning Map. As the development will involve disturbance of class 2 areas and disturbance of class 3 areas more than 1m below the surface, screening for acid sulfate soils has been carried out. The screening identified that the soils are potential acid sulfate soils. As such an Acid Sulfate Soils Management Plan has been prepared for the development.
Earthworks (cl 7.2)	Consideration must be given to impacts arising from earthworks.	The application proposes the filling of cleared areas, principally to ensure levels are above flood planning levels. The filling is proposed in a manner that retains existing drainage and manages future drainage through the site. There will be no adverse impact on drainage patterns, soil stability or environmentally sensitive areas. The earthworks will be supported with suitable erosion and sediment control measures in accordance with Council requirements.
Stormwater Management (cl 7.5)	The objectives of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland,	The proposed development incorporates measures to provide for the treatment and detention of stormwater. The proposed discharge of stormwater from the site is not likely to have an adverse impact on adjoining properties or environment.

	groundwater, wetlands and receiving waters	
Essential Services (cl 7.21)	The consent authority is to be satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required	The site has adequate availability of water, sewer, electricity, and telecommunications to service the development.

The proposal is considered generally consistent with the LEP.

3.2 Section 4.15 (1)(a)(ii) – Provisions of any proposed instruments

There are no proposed instruments of relevance to the development

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Great Lakes Development Control Plan 2014 (DCP 2014) is relevant to the application. The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Plan.

Table 4: Consideration of the DCP controls		
Control	Requirement	Proposal
Part 4 Environmental Requirements		
D4.1 Ecological Impacts	Development is to be designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities	The proposed development will not disturb areas of native vegetation and will have no significant adverse impact.
D4.2 Flooding	Development is to be located in response to the identified flood hazard and the risk of impacts from flooding on people and assets are avoided or otherwise minimised.	The 1% flood level is 2.7m AHD. The 1% Flood Planning Level is 3.2m AHD. The majority of the site is above the 2.0m AHD contour and the area proposed for the school buildings is generally around the 2.5m AHD contour. The finished floor levels of the school buildings will be 3.2m AHD or greater. This will be achieved with minimal filling of the site. Suitable flood free access is available to The Southern Parkway.

D4.7 Bush Fire	To ensure new development is designed with regard to bush fire hazards.	The land is identified as bush fire prone land with a small portion of bushfire buffer being mapped over the western extremity of the site. The proposal has been designed in accordance with the requirements of Planning for Bushfire Protection 2019. The NSW RFS have issued a Bush Fire Safety Authority for the development.
Part 11 Water Sensitive Design		
Part 11 Water Sensitive Design	To safeguard the environment by maintaining or improving the quality of stormwater run-off.	The development incorporates suitable measures to maintain and improve the quality of storm water run-off.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Part 4 Division 1 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. No matters are relevant to the application.

3.6 Section 4.15(1)(b) - Likely impacts of development

Context, Setting and Design

The site is located amongst existing and developing urban areas. Existing residential development in the locality is comprised mostly of single-storey dwelling houses and dual occupations. Immediately to the north of the site is a large residential care facility.

The proposed buildings are of contemporary design with a modest footprint. While the building is of two storey design, the height is below the maximum height development standard and due to the orientation, creates no adverse shadowing of adjoining properties.

The use of the land for a school is complementary to the residential uses in the locality and considered to be of an appropriate scale, mass, and form, and not detrimental to the character of existing and surrounding development.

Overall, the proposed development is considered to be appropriate given the local context.

Site and Internal Design

The design of the proposed development, in most respects, relates appropriately to the local environmental conditions and the site attributes.

The buildings are to be located towards the higher parts of the site, to maintain existing drainage patterns and to address flooding constraints. This has maximised the separation of the building from residential dwellings and locates the school buildings adjacent to the large residential care facility.

The internal design provides a connection between indoor and outdoor spaces. The classrooms are largely orientated towards the COLA and outdoor areas, while the orientation ensures the buildings provide separation between the primary outdoor areas and the adjoining residential care facility.

It is considered that the development does not respond appropriately to the site.

Access and Transport

The site has frontage to The Southern Parkway, a local collector road providing access through South Forster.

A single entry/exit is to be provided via a proposed roundabout at the intersection of The Southern Parkway and Akala Avenue.

Fifteen (15) angled parking spaces including one (1) dedicated accessible parking space.

Kiss and Drop zones are proposed along the east and western sides of the internal accessway that will cater for a total fourteen (14) vehicles (or seven (7) each side). Parking for a single bus is to be provided within The Southern Parkway road reserve. The layout of parking and access is shown in figure 7 below.

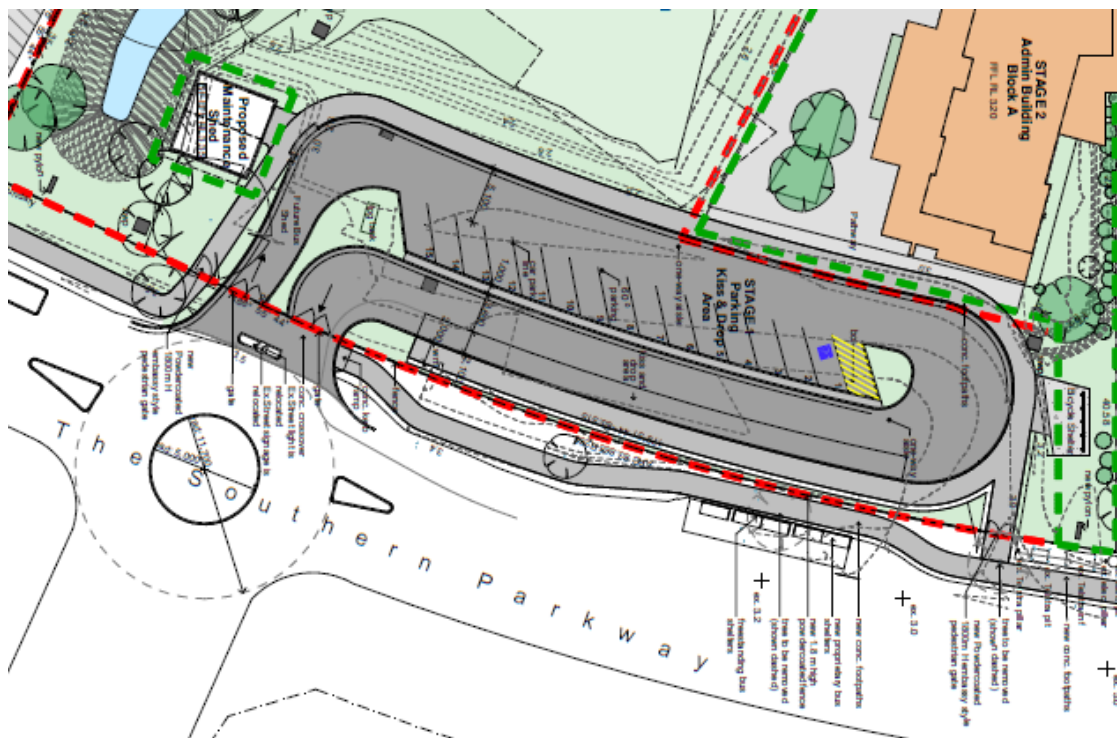


Figure 7 – Access and Parking (source: Stanton Dahl Architects)

The application has been supported by two Traffic Impact Assessments and a peer review (provided by the applicant). While the assessments and review conclude that access and traffic arrangements are suitable (subject to the implementation of management practices) it is considered that the application does not adequately address Access and Transport in relation to the following:

Access Point & Circulation

- The internal circulation whilst appropriate for a B99 vehicle, is not accommodating of internal servicing as shown in a swept path analysis. Amendment to the internal driveway is required to ensure that the service vehicle does not need to complete a three-point turn in order to complete the U-turn manoeuvre at the northern end of the internal road.

This could be resolved by increasing the radius of the internal road at the northern end, however both the swept path analogies for the service vehicle and the B99 vehicle conflict with the proposed allocated “kiss and drop” area to the east of the circulation area.

- The application (SEE) proposes that all waste generated by the school is to be housed within mobile garbage bins and taken to the kerbside for collection, which would eradicate the need for a garbage truck to enter the circulation area, however, this would have an impact on available on-street parking and a management plan has not been discussed in detail within the SEE, TIA's or peer review.

Accordingly, without details of how many bins would be required to be picked up, at what times, and where they intend to locate the bins within the road reserve, the impact on traffic movements and parking opportunities along the front of the development cannot be assessed.

- The peer review relies heavily upon the use of the western isle for both AM and PM “kiss and drop” maneuvers to be undertaken that in turn, (in the opinion of the peer review) will reduce the number of on-street parking requirements within the Southern Parkway. The management plan required for this scenario to work proposes the cordoning off (by staff members) of the 15 staff/visitors parking spaces as a maneuver into, and out of these spaces is not achievable with the parallel parking associated with the proposed kiss and drop area.

For the PM pick-up, a suggested management approach as per the peer review includes:

-

“Identification of zones within the pick-up area based on the last name of the student (e.g., students with last names A-G in the first three spaces, last names H-N in the next, etc.). This reduces the chance that a student is waiting for their parent on the incorrect side of the facility, leading to longer drop-off times”.

“Cars picking up students could have the last name displayed on a printed sheet of A4 paper on the dashboard so that staff can direct students to the correct car”.

“Based on the above analysis, the probability of queues overspilling into the network is considered very low”.

The scenario of a kiss and drop on the western side of the circulation area (particularly for the PM pickup) cannot be supported on the following grounds: -

- Most importantly the proposed use of the western side of the circulation area for kiss and drop movements does not comply with the associated Australian Standards.

AS28890.1 calls for an additional 300mm minimum clearance from any obstacle higher than 300mm adjacent to the through isle. Given the limitation of only 3m being available between the 60-degree angle cars and those within the proposed kiss and drop parking areas, this requirement cannot be achieved.

- The scenario relies heavily upon staff management rather than the facility itself being able to autonomously cater for the parking demands particularly during the PM pick up.
- As opposed to drop off, the pickup scenario invites many variables such as delays in students getting to the allocated zones. This in turn will increase estimated turnaround times and potentially increase associated queuing.
- The management approach using surnames will not work effectively where several students have the same surname.

Accordingly, the queuing/circulation area should not rely upon the additional 7 spaces available on the western side of the circulation area for PM pick up which in turn will have an impact on street parking demands and movements within the circulation area which have not been addressed.

Alternatively, if the western kiss and drop were to be pursued, then amendments would have to be made to the centre median within the circulation area, effectively pushing this area to the east, which would, in turn, allow 3.3m of isle width, thereby complying with the Australian Standards on both sides of the median.

However, this change could also affect the ability of a service vehicle to perform a one-motion swept path at the northern end of the circulation area without some amendment to the current radius of the turning head.

Parking

There are no prescribed parking requirements for schools in the Forster locality, however, Mid Coast Councils Greater Taree Development Control Plan requires parking for schools as follows:

- 1 space per 2 full time staff
- 1 space per 100 students
- 1 space per 10 Year 11/12 students

Based on the proposed school, the number of parking spaces required under the Taree DCP would be:

- Staff (20) – 10 spaces
- Students (300) – 3 spaces

The development provides parking in accordance with the above requirements however, the unique characteristics of a school require appropriate parking availability during AM and PM peaks to avoid adverse impact on the traffic network.

While concerns about parking during drop off and pickup have already been discussed, the application provides no consideration for events (including the held out of hours).

Furthermore, the amended layout of development allows for the parking of only one bus to service the school. The proposed parking bay is situated between the existing fog line and the kerb within the carriageway of The Southern Parkway.

While the first TIA stated that *“The site shall also act as a transport hub for senior students, with a pick-up/ drop off bus service to connect through to the Taree senior campus”*, no consideration or commentary has been provided that outlines how many busses it would take to service the school, or where additional buses would queue whilst waiting for the single pick-up/ drop-down point to become available.

Furthermore, should the site indeed become a transport hub for other students to travel to other schools within the region, then this will undoubtedly create an additional load on the on-street parking ability of the Southern Parkway. The effect this additional loading will have has not been expanded upon or addressed in any way. Although it is understood that bus routes must be determined in conjunction with the associated bus companies, the Council, at this point, has no indication as to what routes are available or how these routes will affect the traffic movements on surrounding streets.

It is possible that the bus waiting bays could be provided outside of the schools' frontage and there is potential for a second bus bay to be provided along the school frontage however this would have an impact on the on-street parking availability during the peak movements and consideration must also be given to the provision of a pedestrian crossing that links to the frontage of the site.

In addition, the Council may entertain the extension of a footpath/cycleway (provided by the applicant) in order to address some facility for the additional on-street parking demands created by the development, however in the absence of information that clearly shows how these anticipated movements will be managed and what effect they will have on parking amenity with the locale, the proposed and any alternative arrangements cannot be supported.

Natural Hazards

The site is identified as being subject to the hazards of flooding and bushfire

Flooding

The 2100 1% Annual Exceedance Probability flood level for the site is 2.7m AHD and the 1% Flood Planning Level is 3.2m AHD (2.7m + 0.5m freeboard) .

The majority of the site is above the 2.0m AHD contour and the area proposed for the school buildings is generally around the 2.5m AHD contour.

The finished floor levels of the school buildings will be 3.2m AHD or greater. This will be achieved with minimal filling of the site.

Suitable flood free access is available to The Southern Parkway.

It is considered that the development appropriately responds to the natural hazard of flood.

Bushfire

The land is identified as bushfire prone land.

The development has been designed in accordance with Planning for Bushfire Protection to ensure levels of construction, asset protection zones, access, utilities and the like appropriately respond to the hazards of bushfire.

Pursuant to s100B of the Rural Fires Act 1997 the application was referred to the NSW Rural Fires Service for consideration of the issue of a Bush Fire Safety Authority.

The RFS have granted conditional approval for the development.

It is considered that the development appropriately responds to the natural hazard of bush fire.

Stormwater

The site provides sufficient area to provide for the detention and treatment of stormwater to reduce the likelihood of any adverse impact on receiving waters and/or adjoining properties, however a detailed stormwater management strategy has not been submitted to reflect the change in design associated with access and circulation areas.

The strategy is required before consent can be granted and to inform conditions of consent relevant to any specific stormwater issues.

Ecology

The proposed works are located over previously cleared and highly disturbed land with no native vegetation communities present. The proposed works will require the removal of some isolated trees within the existing drainage easement to facilitate the new stormwater basins, as well as the removal of some isolated landscape plantings near the site frontage to facilitate access and parking areas.

The site is not mapped on the Biodiversity Values Map prepared by the Office of Environment and Heritage and native vegetation removal would not exceed the clearing threshold for the land (5,000m²) and does not require biodiversity offsetting under the Biodiversity Conservation Act 2016.

Noise

An acoustic assessment was undertaken by Muller Acoustic Consulting investigates the potential impact of noise emissions from the operation (school activities/children at play, mechanical plant and on-site vehicles) of the facility on nearby receivers as well as noise from construction activities. An addendum to the assessment was also provided in response to a request for further information from Council.

Figure 8 shows the sensitive developments identified around the site.



Figure 8 – Sensitive receivers (source: Muller Acoustic Consulting)

The assessment found that noise emissions from construction activities are above the applicable construction management levels at several receivers and as such noise management measures are recommended to reduce potential impacts on surrounding receivers. Given the temporary nature of construction activities and mitigation measures proposed, the impacts associated with construction is considered acceptable.

The assessment also concludes that noise from on-site vehicles and the mechanical plant will comply with the Project Noise Criteria and that the noise from external play activities will meet the adopted noise criteria from the Guideline for Child Care Acoustic Assessment based upon background noise levels, however, this conclusion is not supported due to the following:

- The assessment indicates the children's play (area in blue as shown in Figure 9 below), however the application provides no indication that children would be restricted to the blue area and it is not clear if the modelling included the entire area which children may have access to. If access is available outside of the blue area and this was not included in the modelling the impacts on receivers may be above acceptable limits.



Figure 9– Children play areas (source: Muller Acoustic Consulting)

- The AAAC Guidelines for Child Care Centre Acoustic Assessment provides that *'noise emission from indoor play and activities should be considered, including scenarios with windows and doors both open and closed. Some child care centres may need to close their windows and doors during active indoor play or music'*.

It is not agreed that external noise sources would be closest to the sensitive receivers on the western side of the class rooms. The assessment should provide justification as to why noise from internal activities has not been considered or alternatively noise from internal activities shall be modelled.

- The assessment provides that the external PA system would only be used for short periods of time, however it is likely that the COLA will be used to hold school assemblies and the like, resulting in the PA system being used for longer periods of time and potential adverse impacts to receivers.
- The assessment modelled groups of 5 people talking in school outdoor areas (x34), which equates to 170 people outside at any one time, while the development proposes a 300 place school. The assessment has not clarified whether there will be a restriction on the number of persons outside at any one time and if not whether the additional people will increase noise above acceptable limits.

The applicant has recently submitted an updated acoustic assessment to response to these concerns.

Council staff are reviewing this assessment to understand if the proposal has suitable measures in place to minimise any noise impacts upon receivers.

Social and Economic Impact

The proposed development provides additional educational choice and is likely to have positive social and economic benefits for the local area and the broader community.

The development will also have a positive economic contribution to the locality through the creation of jobs through construction phase and direct employment.

3.7 Section 4.15(1)(c) - Suitability of the site

The proposal is for an educational facility which is complimentary to the neighbouring residential land uses. The proposal is permitted with consent on the site under the relevant zoning.

The site is considered suitable for an educational facility, subject to issues in relation to traffic, parking and noise being fully known and resolved.

3.8 Section 4.15(1)(d) - Public submissions

The subject development application was first publicly exhibited between 8 June 2022 to 18 July 2022 in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the MidCoast Council Community Engagement Strategy. A total of eleven (11) unique submissions were received, five (5) in support of the proposal and six (6) opposing the development.

Upon receipt of amended plans the application was further exhibited between 8 March 2023 to 17 April 2023. As a result of the second exhibition a further five (5) submissions were received, one (1) in support of the proposal and four (4) opposing the development.

The submissions referred to the following issues:

1. Traffic

Multiple submission outlined concerns with the impact the development will have on the traffic network and in particular:

- Traffic volumes
- Parking

Comment: The application was supported with traffic impact assessments and a peer review which found that the development would have no significant adverse impact on the traffic network and that parking can be suitably addressed (subject to compliance with recommendations).

Upon review of the application and traffic impact assessments it is considered that the application does not adequately address traffic and parking and as such it **cannot** be concluded that the development as proposed will have no significant adverse impact on traffic movements and the amenity of the locality.

2. Noise

Several submissions raise concern that the site is contaminated to a level that would prevent the development from being carried out.

Comment: A supplementary acoustic assessment has been provided in support of the application. This is currently being reviewed to determine if the proposal will have an adverse impact on adjoining properties.

3. Visual Impact

Two submissions raise concern with visual impact and compatibility with existing development in the locality.

Comment: The development proposes three (3) double storey school buildings connected by external verandahs / walkways, a Covered Outdoor Learning Area and maintenance shed in addition to parking/circulation areas. The buildings are of contemporary design, well articulated and include design features similar to residential development in the locality. The development has a relatively small footprint, particularly when compared to the large residential care facility to the north of the site.

While the majority of development in the locality is of single storey construction, there are examples of two storey development in the locality. The development is compliant with relevant height controls.

The buildings have a setback of approximately 20m from the street frontage and are sited more than 50m from the closest residential dwelling.

The buildings have been sited in the vicinity of the large residential care facility to the north, which serves to reduce the perceived bulk and scale of the development.

While parking and circulation areas are located between the school and street frontage, landscaping can be utilised to minimise the impact of this hard surface. The development retains a 30m wide drainage channel to the south of the site and large areas of open space, which serve to soften the appearance of the development.

It is considered that the overall layout, built form and choice of finishes are responsive to the site's attributes and sympathetic to the residential context and adjoining residential care facility.

Notwithstanding, the above, one submission has suggested that should approval be granted, landscaping be established between the buildings and northern boundary to soften the outlook from the residential care facility (and improve privacy). Should consent be granted it is considered reasonable that such a requirement for landscaping be included as a condition of consent.

4. Visual Privacy

Concern is raised that the buildings will overlook units in the neighbouring residential care facility resulting in adverse privacy impacts.

Comment: The residential care facility includes units that have an outlook over the subject site facilitated by the use of open fencing.

As such any development of the subject site will have a degree of impact on privacy.

The proposed school has been designed with minimal windows to the north (north eastern) elevation to assist with privacy, however there will be a degree of overlooking from these windows and from the verandah / walkways.

The submitter has suggested that should approval be granted the windows utilise obscure glazing and the walkways be enclosed. The suggestions are considered reasonable and should consent be granted, conditions should be included to ensure appropriate privacy screening is provided to the north eastern windows and walkways that overlook the adjoining residential care facility.

5. Wildlife

Concern has been raised that the development will remove habitat and have an adverse impact on local wildlife.

Comment: The proposed development is not likely to have any significant adverse impact on local wildlife. The school buildings, parking areas and the like are proposed on a cleared portion of the site and while the drainage channel (where scattered vegetation currently exists) is to be retained and embellished with stormwater facilities.

6. Planning pathway

The submission raises concern that the development may have a capital investment value of more than \$20 Million and therefore be state significant development.

Comment: A cost plan detailing all aspects of the development (including a 5% contingency) was prepared by a quantity surveyor and submitted with the application.

The cost plan indicates the total cost of the development (at time of lodgement) to be \$14 514 528.

The development is not state significant development.

7. Stormwater

Several submissions raise concern with the regard to the disposal of stormwater and the potential impact on adjoining land.

Comment: The development proposes that stormwater be collected, treated and directed to an existing drainage channel within the south of the site. Compliance with Council Policy will ensure that the likelihood of any adverse impact on receiving waters and/or adjoining properties is minimal, however a detailed stormwater management strategy has not been submitted to reflect the change in design associated with access and circulation areas.

The detailed strategy is required to ensure Council requirements can be achieved and in the absence of an updated strategy detailing compliance, support cannot be given to the development.

8. Loss of property value

The submission raises concern that the development will result in a loss in property value for neighbouring residential properties.

Comment: Property value is not generally a determinative planning consideration. A well-designed facility that does not have a significant detrimental impact on the amenity of the locality is not likely to cause a decrease in property value.

9. Overshadowing

Concern is raised that the application does not clearly detail the extent of overshadowing that may be cast over the adjoining residential care facility to the north of the school.

Comment: The school is located to the south of the residential care facility and, as such, will cast no shadow over the facility.

10. Maintenance of property

Concern is raised that the subject site will not be maintained (in the vicinity of the drainage channel) creating a habitat for vermin and the like.

Comment: Any approved stormwater management system will require provision for maintenance.

11. Removal of tree

The submission seeks the removal of a tree on the subject site adjacent to 4 Tandara Place.

Comment: There is potential that the tree will be required to be removed to facilitate the final stormwater management system, however there is no requirement for the tree to be removed solely for the benefit of the neighbouring property.

12. Need for a school

The submission questions the need for another school in the Forster.

Comment: The school is a permitted land use and will provide additional educational opportunities as well as providing a facility more accessible for those students who may already attend the Taree campus.

13. In Support

Several submissions are supportive of the proposal as it will provide alternative educational choices within the Forster Tuncurry locality.

Comment: Noted

3.9 Section 4.15(1)(e) – The Public Interest

The development provides an educational facility that enhances and supports community development, which is in the public interest.

However, the application has not demonstrated that the development will not have a significant impact on the immediate locality as a result of traffic, parking and noise.

It is therefore considered it would not be in the public interest to proceed with the proposed development until such matters have been appropriately resolved.

4.0 Other Matters

4.1 Section 7.12 Contributions Plan

The development would require the payment of contributions in accordance with Council's Section 7.11 Contributions Plan. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any Construction Certificate.

5.0 CONCLUSION

The development has been considered against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions.

The concept of a school for the site is considered reasonable and the layout and design suitable for the locality, however due to the number of what is considered to be fundamental items, that are yet to be adequately addressed by the applicant.

In particular, a clear and concise picture as to how the traffic circulation and parking amenity within the local area will be impacted by the proposal, noise, stormwater, it is not possible to make a well informed decision on the overarching impacts and possible implications that may arise from the development.

The issues are potentially resolvable, but the application as it is currently presented cannot be considered favourably.

6 . RECOMMENDATION

It is recommended that Development Application 2022/0214 for the establishment of an educational facility at Lot 1 DP 1264355 The Southern Parkway, Forster be deferred to permit the applicant to provide additional information to address issues raised in the report with regard to traffic, parking, stormwater and noise.